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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

Romina Causi,

Plaintiff,

v.

Iron String Press, Inc.,

Defendant.

Case No: **6:23-CV-118 (BKS/ATB)**

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff Romina Causi (“*Plaintiff*”), by and through her undersigned counsel, for her Complaint against defendant Iron String Press, Inc. (“*Defendant*”) states and alleges as follows:

INTRODUCTION

1. This action seeks to recover damages for copyright infringement.
2. Anthony Causi, now deceased, provided photojournalism goods and services for which Plaintiff Romina Causi now owns the rights, including the right to license the images to online and print publications.
3. Defendant owns and operates a website known as www.allotsego.com (the “*Website*”).
4. Defendant, without permission or authorization from Plaintiff actively copied,

1 stored, and/or displayed Plaintiff's Photograph on the Website and engaged in this misconduct
2 knowingly and in violation of the United States copyright laws.

3 **PARTIES**

4 5. Plaintiff Romina Causi resides in Oyster Bay in Nassau County, New York.

5 6. Upon information and belief, Defendant Iron String Press, Inc., is a New York
6 corporation with a principal place of business at 21 Railroad Avenue, Cooperstown in Otsego
7 County, New York and is liable and responsible to Plaintiff based on the facts herein alleged.

8 **JURISDICTION AND VENUE**

9 7. This Court has subject matter jurisdiction over the federal copyright infringement
10 claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.

11 8. This Court has personal jurisdiction over Iron String Press, Inc. because it maintains
12 its principal place of business in New York.

13 9. Venue is proper under 28 U.S.C. §1391(a)(2) because Iron String Press, Inc. does
14 business in this Judicial District and/or because a substantial part of the events or omissions giving
15 rise to the claim occurred in this Judicial District.

16 **FACTS COMMON TO ALL CLAIMS**

17 10. Plaintiff is the legal and rightful owner of photographs which Plaintiff licenses to
18 online and print publications.

19 11. Plaintiff obtained active and valid copyright registrations from the United States
20 Copyright Office (the "USCO") which cover many of Plaintiff's photographs while many others
21 are the subject of pending copyright applications.

22 12. Plaintiff's photographs are original, creative works in which Plaintiff owns
23 protectable copyright interests.
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1 13. Iron String Press, Inc. is the registered owner of the Website and is responsible for
2 its content.

3 14. Iron String Press, Inc. is the operator of the Website and is responsible for its
4 content.

5 15. The Website is a popular and lucrative commercial enterprise.

6 16. The Website is monetized in that it contains paid advertisements and, upon
7 information and belief, Defendant profits from these activities.

8 17. On September 18, 2008, a photograph of Derek Jeter walking into the New York
9 Yankee locker room (the "*Photograph*") was authored. A copy of the Photograph is attached hereto
10 as Exhibit 1.

11 18. Plaintiff acquired the rights and applied to the USCO to register the Photograph on
12 or about October 28, 2020 under Application No. 1-9626983103.

13 19. The Photograph was registered by the USCO on October 28, 2020 under
14 Registration No. VA 2-226-709.

15 20. On April 11, 2022, Plaintiff first observed the Photograph on the Website in a story
16 dated August 26, 2021. A copy of the screengrab of the Website including the Photograph is
17 attached hereto as Exhibit 2.

18 21. The Photograph was displayed at URL: [https://www.allotsego.com/jeter-provides-
19 induction-with-a-headline-attraction/](https://www.allotsego.com/jeter-provides-induction-with-a-headline-attraction/).

20 22. The Photograph was stored at URL: [https://www.allotsego.com/wp-
21 content/uploads/2021/08/jeter2pic.jpg](https://www.allotsego.com/wp-content/uploads/2021/08/jeter2pic.jpg).

22 23. Without permission or authorization from Plaintiff, Defendant volitionally selected,
23 copied, stored and/or displayed Plaintiff copyright protected Photograph as is set forth in Exhibit
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1 “1” on the Website.

2 24. Upon information and belief, the Photograph was copied, stored and displayed
3 without license or permission, thereby infringing on Plaintiff's copyrights (hereinafter the
4 “*Infringement*”).

5 25. The Infringement includes a URL (“*Uniform Resource Locator*”) for a fixed
6 tangible medium of expression that was sufficiently permanent or stable to permit it to be
7 communicated for a period of more than a transitory duration and therefore constitutes a specific
8 infringement. *17 U.S.C. §106(5); Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1160 (9th
9 Cir. 2007).

10 26. The Infringement is an exact copy of the entirety of Plaintiff's original image that
11 was directly copied and stored by Defendant on the Website.

12 27. Upon information and belief, Defendant takes an active and pervasive role in the
13 content posted on its Website, including, but not limited to copying, posting, selecting,
14 commenting on and/or displaying images including but not limited to Plaintiff's Photograph.

15 28. Upon information and belief, Defendant directly contributes to the content posted
16 on the Website by, inter alia, directly employing reporters, authors and editors as its agents,
17 including but not limited to Charlie Vascellaro, who has contributed numerous articles to
18 Defendant's Website (“Employees”).

19 29. Upon information and belief, at all material times the Employees were acting within
20 the course and scope of their employment when they posted the Infringement.

21 30. Upon information and belief, at all material times the Employees were acting within
22 the course and scope of their agency when they posted the Infringement.

23 31. Upon information and belief, the Photograph was willfully and volitionally posted
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1 to the Website by Defendant.

2 32. Upon information and belief, Defendant is not registered with the United States
3 Copyright Office pursuant to 17 U.S.C. §512.

4 33. Upon information and belief, Defendant engaged in the Infringement knowingly
5 and in violation of applicable United States Copyright Laws.

6 34. Upon information and belief, Defendant has the legal right and ability to control
7 and limit the infringing activities on its Website and exercised and/or had the right and ability to
8 exercise such right.

9 35. Upon information and belief, Defendant monitors the content on its Website.

10 36. Upon information and belief, Defendant has received a financial benefit directly
11 attributable to the Infringement.

12 37. Upon information and belief, the Infringement increased traffic to the Website and,
13 in turn, caused Defendant to realize an increase in its advertising and/or subscription revenues.

14 38. Upon information and belief, a large number of people have viewed the unlawful
15 copies of the Photograph on the Website.

16 39. Upon information and belief, Defendant at all times had the ability to stop the
17 reproduction and display of Plaintiff's copyrighted material.

18 40. Defendant's use of the Photograph, if widespread, would harm Plaintiff's potential
19 market for the Photograph.

20 41. As a result of Defendant's misconduct, Plaintiff has been substantially harmed.
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FIRST COUNT
(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)

42. Plaintiff repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

43. The Photograph is an original, creative work in which Plaintiff owns a valid copyright properly registered with the United States Copyright Office.

44. Plaintiff has not licensed Defendant the right to use the Photograph in any manner, nor has Plaintiff assigned any of its exclusive rights in the copyrights to Defendant.

45. Without permission or authorization from Plaintiff and in willful violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and illegally copied, stored, reproduced, distributed, adapted, and/or publicly displayed works copyrighted by Plaintiff thereby violating one of Plaintiff's exclusive rights in its copyrights.

46. Defendant's reproduction of the Photograph and display of the Photograph constitutes willful copyright infringement. *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).

47. Plaintiff is informed and believes and thereon alleges that the Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation of Title 17 of the U.S. Code, in that they used, published, communicated, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Photograph of the Plaintiff without Plaintiff's consent or authority, by using it in the infringing article on the Website.

48. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled to an award of actual damages and disgorgement of all of Defendant's profits attributable to the infringements as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant for the infringement

1 pursuant to 17 U.S.C. § 504(c).

2 49. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in
3 its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs
4 pursuant to 17 U.S.C. § 505 from Defendant.

5 50. As a result of Defendant's violations of Title 17 of the U.S. Code, Plaintiff is entitled
6 to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.
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8 **JURY DEMAND**

9 51. Plaintiff hereby demands a trial of this action by jury.

10 **PRAYER FOR RELIEF**

11 **WHEREFORE** Plaintiff respectfully requests judgment as follows:

12 That the Court enters a judgment finding that Defendant has infringed upon Plaintiff's
13 rights to the Photograph in violation of 17 U.S.C. §501 et seq. and award damages and monetary
14 relief as follows:
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- 16 a. finding that Defendant infringed upon Plaintiff's copyright interest in the
17 Photograph by copying and displaying without a license or consent;
18 b. for an award of actual damages and disgorgement of all of Defendant's
19 profits attributable to the infringements as provided by 17 U.S.C. § 504 in
20 an amount to be proven or, in the alternative, at Plaintiff's election, an award
21 for statutory damages against Defendant for the infringement pursuant to 17
22 U.S.C. § 504(c), whichever is larger;
23 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining Defendant from any
24 infringing use of any of Plaintiff's works;
25 d. for costs of litigation and reasonable attorney's fees against Defendant
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pursuant to 17 U.S.C. § 505;

e. for pre judgment interest as permitted by law; and

f. for any other relief the Court deems just and proper.

DATED: January 27, 2023

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